

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital 22nd day of September 2003
Criminal Bail Application no. 728 /2003

CRIMINAL SIDE

1. Sushil S/o Rishipal
R/o Village Kalsiya, P.S. Khanpur
District Haridwar.
2. Devendar S/o Manphool
R/o village Fatuwa, P.S. Laksar.
District Haridwar.

.....Applicants.

Versus

State of Uttaranchal

.....Opposite Party

Arising out case crime no. 18 of 2002
Under Section 364-A I.P.C.
P.S. Shyampur
District –Haridwar.

By the court

Hon'ble Irshad Hussain, J.

Heard Sri Vivek Shukla learned counsel for the accused-applicant and learned A.G.A. for the state.

According to the prosecution version kidnapped person Sanjay Kumar was recovered on 29-04-2003 and three culprits were arrested on the spot whereas three others have fled away. The applicants-accused are one of the accused which could not be arrested on the spot and their bail application along with one another who have gone away from there on 29.04.2003 at the time of recovery, was rejected by the Sessions Judge per order dated 10-06-2003. The learned Sessions Judge has however enlarged on bail accused Kaluwa who was arrested on spot by his order dated 11.06.2003. The attention was also drawn to the fact that in the check F.I.R. of case crime No. 18/2003 the names of 6 culprits have been mentioned in the relevant column although none of the culprit was then named by the informant. Considering the totality of the circumstances of the case it is a fit case for bail. The bail application is allowed.

The accused-applicants Sushil and Devendar shall be released in crime No. 18/2003 under section 364-A IPC P.S. Shyampur District Haridwar on their executing personal bond and two sureties each in the like amount to the satisfaction of C.J.M. Haridwar.

(Irshad Hussain, J.)

Dated:22.09.2003:

MPS